

REMARKS/ARGUMENTS

Applicants confirm their species election of compound I on page 10 of the specification. Applicants have amended the title of the current Application to better reflect the invention. Support for this amendment may be found throughout the specification.

Claims 1-3 and 11-16 with respect to the applied species were rejected under 35 U.S.C. 102(b) as being anticipated by Stauffer et al (2,472,631). Applicants respectfully traverse this rejection.

The Examiner states that

“Stauffer et al disclose, teach, demonstrate and reduce to practice with a silver halide photographic material comprising a support having thereon an silver halide emulsion layer containing a thiocyanato palladite being read within the general formula I as claimed. ...The language "emulsion layer being...thiocyanato compound" and "wherein Plug ...PUG-S" are and have been considered as functional property of the materials. It has reasonable to believed that the functional property is inherent for the same compounds as broadly disclosed and claimed in the general formula I. The law requires that applicants must show or provide a convincing evidence to the contrary in accordance to the authority stated in In re Schreiber, 44 USPQ2d 1429. Since Stauffer et al disclose, teach, demonstrate and suggest the embodiments in the claims, the above claims are found to be anticipated by Stauffer et al.”

As discussed in the attached Declaration by Paul Zielinski, the materials described in Stauffer are inorganic complexes. When these inorganic complexes are incorporated into a silver halide emulsion, anionic thiocyanate anion (SCN^-) is released from the ionic palladium complex. The released anionic thiocyanate anion (SCN^-) forms a strong complex with silver.

The materials in the current invention are organic thiocyanoto compounds. They are covalent organic compounds. The sulfur of the thiocyanoto moiety is covalently bound to the PUG moiety. Unlike the materials in Stauffer, which rely on the release of thiocyanate anion (SCN^-); the materials of the invention do not release thiocyanate anion (SCN^-), rather, when treated in the development step at $\text{pH} > 8$, they release PUGS^- . As noted at page 6, line 12 of the current specification it is stated that the compounds utilized in the photographic elements of this invention are thiocyanato compounds represented by Formula I

PUG-SCN

(I)

such that upon chemical development PUG-SCN cleaves between the sulfur atom and the carbon atom of SCN and releases PUG-S.

As the compounds of the current invention are both chemically and functionally different from the compound described in Stauffer, Stauffer cannot anticipate the current invention.

Claims 1-3 and 11-20 with respect to the applied species were rejected under 35 U.S.C. 103(a) as being unpatentable over Stauffer et al (2,472, 631) considered in view of Nietz et al (2,222,264) and Lok (5,914,226). Applicants respectfully traverse this rejection.

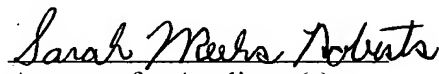
The Examiner states that

"Stauffer et al do not specify a dispersion in claim 20. Russell et al at page 2, left column lines 45-51 disclose, teach and suggest that the use of a soluble gold thiocyanato can be used in either solution or dispersion form to obtain the same an increasing speed property at page 1, left column, line 53 and right column, line 21-22 Stauffer et al do not specify a sulfinate compound in claim 17-19. Lok at col.8:26 to 9:3 is cited to show the known use of the sulfinate compound to obtain stable photographic material having 95 or more mole percent silver chloride at col. 17-7 and 10:6-17. Since the above references are all related to improvements of photographic materials, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use or cite the known use of a water soluble thiocyanato containing compound in either solution or dispersion for a reasonable expectation of obtaining the same or about the same increasing speed property as disclosed, taught and suggested in Nietz et al and/or use or cite the known sulfinate compound for a reasonable expectation of obtaining stable photographic material as disclosed, taught, suggested and obtained in Lok."

As discussed in detail above, Stauffer does not disclose nor suggest the compounds of the current invention. Additionally, neither Lok nor Nietz disclose or suggest the thiocyanato compounds of the invention. Therefore none of these references, either alone or in combination, can make obvious the current invention.

In light of the above-mentioned amendments and remarks, Applicants respectfully request that the claims as amended be allowed.

Respectfully submitted,


Attorney for Applicant(s)
Registration No. 33,447

Sarah Meeks Roberts/s-p
Rochester, NY 14650
Telephone: 585-588-7488
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.